

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 2, 30, 32, 33, 29 and 40 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-30 and 32-45 are now pending in this application.

Claims 34-38 and 41-45 are allowed. Claims 3, 5-10, 12-14, 21, 23-26 and 28 have been indicated as being allowable. Claims 1, 2, 4, 11, 15-20, 22, 27, 29, 30, 32, 33, 39, and 40 stand rejected as allegedly being obvious over U.S. Pat. No. 4,964,874 to Saphakkul ("Saphakkul") and the abstract for JP 58023898A ("JP '898"). In view of the amendments and remarks herein, reconsideration is respectfully requested.

Claims 1, 2, 4, 11, 15-20, 22, 27, 29, 30, 32, 33, 39, and 40 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Saphakkul in view of JP '898.

In contrast to the claimed invention, both Saphakkul and JP '898 disclose aqueous compositions where water is the solvent. Saphakkul discloses a hair dye composition comprising (a) up to 5% of a cationic surfactant; (b) up to 5% by weight of a fatty alcohol; (c) up to 5% of a basic dye; and (d) up to 5% of a neutral dye. (*See* Saphakkul at col. 2, lines 8 – 19; emphasis supplied). Additionally, the reference teaches that the four components are present in an aqueous medium in which water comprises up to 99% of the composition by weight. (*See*, Col. 2, line 25; col. 4, lines 12 – 13; *see also*, Example 1 (water is 90.77% by weight) and Example 2 (water is 95.75% by weight)). Saphakkul also refers repeatedly to pH adjustment, *see, e.g.*, col. 4, lines 31 – 58, which is applicable to only aqueous compositions. JP '898 discloses a shampoo that comprises (a) up to 1.5% of hydroxypropyl guar gum; (b) up to 20% of an alcohol with C₁₋₄ alkyl groups; (c) up to 50% of a surfactant; and (d) up to 7% of

an electrolyte. The overwhelming majority (e.g., up to 95%) of the composition is water. In view of the polar solutes that comprise the balance of the shampoo composition and the fact that the shampoo has “high transparency,” it can be fairly said that water is the solvent. Thus Saphakkul and JP ‘898 are clearly limited to aqueous compositions where water is the solvent.

The claims, as amended, are directed to an agricultural composition comprising (a) from 15% to 75% by weight of a lipophilic solvent; (b) at least one lipophobic plant nutrient; and (c) at least one cationic emulsifier that acts as a coupling agent between the lipophilic solvent and the lipophobic plant nutrient. The composition, as amended, is neither disclosed nor suggested by Saphakkul or JP ‘898.

Neither Saphakkul nor JP ‘898 disclose or suggest that the lipophilic solvent is present in an amount of from 15% to 75% by weight. Thus, Saphakkul and JP ‘898, either alone or in combination, do not disclose or suggest the claimed agricultural composition. Consequently, neither Saphakkul or JP ‘898 teaches nor suggests the claimed compositions or methods.

Applicants finally note that the Examiner has rejected claim 33 as being obvious over Saphakkul and JP ‘898. Claim 33 relates to a method of treating vegetation which comprises applying to said vegetation the claimed agrochemical composition to the vegetation. Neither Saphakkul nor JP ‘898 disclose or suggest this claimed method.

For at least the reasons stated above, Applicants respectfully submit that claims 1, 30, 32, 33, 39 and 40 are patentable over the prior art of record. Since claims 2, 4, 11, 15-20, 22, 27 and 29 depend from claim 1, for at least these reasons these claims are also patentable over the prior art of record.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 27, 2003

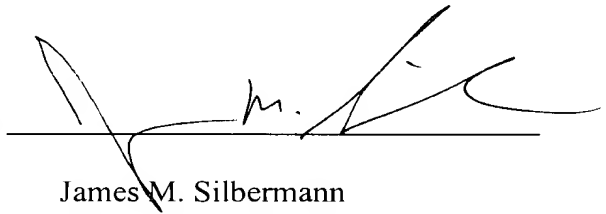
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By

A handwritten signature in black ink, appearing to read "James M. Silberman", is written over a horizontal line. The signature is stylized with a large initial "J" and a long, sweeping underline.

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